

# COMMITTEE REPORT

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## MR. PRESIDENT:

The Senate Committee on Environmental Affairs, to which was referred Senate Bill No. 533, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1       Page 1, line 4, delete "operation"," and insert "**operation" or**
- 2       **"CAFO",**".
- 3       Page 1, delete lines 6 through 17.
- 4       Page 2, delete lines 1 through 4.
- 5       Page 2, line 7, delete "may become subject to an" and insert "**that**
- 6       **proposes to:**
- 7               (1) **construct a concentrated animal feeding operation;**
- 8               (2) **modify an existing confined feeding operation such that it**
- 9               **becomes a CAFO; or**
- 10              (3) **modify an existing CAFO;**
- 11       **must construct or modify the operation in accordance with rules**
- 12       **for CAFO NPDES permits adopted by the board.**
- 13       (b) **Obtaining an NPDES permit for a CAFO meets the**
- 14       **requirements of IC 13-18-10-1 and 327 IAC 16 to obtain an**
- 15       **approval.**
- 16       (c) **A person that:**
- 17               (1) **is required; or**
- 18               (2) **chooses;**
- 19       **to obtain an NPDES permit under this section may obtain an**
- 20       **NPDES general permit by filing a notice of intent with the**
- 21       **department, unless that person is required by the commissioner to**

1 obtain an individual NPDES permit.

2 (d) A notice of intent filed under subsection (c) must certify that  
3 the CAFO follows or will follow rules for CAFO NPDES permits  
4 adopted by the board.

5 (e) Subject to subsection (f), a person remains subject to an  
6 NPDES general permit for a CAFO until the earliest of:

7 (1) the date on which the person discontinues and closes the  
8 operation in accordance with 327 IAC 16-12; or

9 (2) the date five (5) years after the date on which the notice of  
10 intent was filed under subsection (c).

11 (f) A person remains subject to an NPDES general permit for a  
12 CAFO after the date indicated in subsection (e) if, before that date,  
13 the person files another notice of intent with the department under  
14 rules adopted by the board for CAFO NPDES general permits. A  
15 notice of intent filed under this subsection must comply with  
16 subsection (d).

17 (g) If a discharge from a CAFO to waters occurs during the five  
18 (5) years that immediately precede the date of filing of the notice  
19 of intent under subsection (c) or (f), the department may determine  
20 that the person that files the notice of intent must apply for an  
21 individual NPDES permit for the operation.

22 (h) If a person applies for and receives an individual NPDES  
23 permit under this section and:

24 (1) no discharge to waters from the CAFO occurs; or

25 (2) no enforcement action is taken based on:

26 (A) a violation that represents; or

27 (B) a series of violations that represent;

28 a threat to the environment;

29 during the five (5) years immediately following the issuance of the  
30 individual NPDES permit, the person may become subject to an  
31 NPDES general permit for the operation by filing a notice of intent  
32 under subsection (c).

33 (i) A determination by the commissioner that an individual  
34 NPDES permit is required is appealable under IC 4-21.5."

35 Page 2, delete lines 8 through 42.

36 Page 3, delete lines 1 through 20.

37 Page 3, line 40, after "an" insert "**individual**".

38 Page 3, line 40, delete "IC 13-18-19-3(e)," and insert  
39 "**IC 13-18-19-3**".

40 Renumber all SECTIONS consecutively.

(Reference is to SB 533 as introduced.)

**and when so amended that said bill do pass .**

Committee Vote: Yeas 7, Nays 0.

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**Senator Gard, Chairperson**